

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 9, 2002

C036914 THE PEOPLE v. OUBICHON (Not for Publication)

The judgment is reversed. Within 60 days of the filing of the remittitur in the superior court, the prosecution may elect to retry defendant for criminal threat and/or to present additional proof of a 1979 prior serious felony conviction. If the prosecution does not elect to retry defendant for criminal threat, a new and different judgment of conviction of attempted criminal threat shall be entered. If the People do not present additional evidence of the 1979 prior serious felony conviction, the judgment shall reflect two, not three, prior serious felony convictions. In any event, defendant shall receive a new sentencing hearing.

SIMS, Acting P.J.

We concur: Callahan, J.

Kolkey, J.

C039535 GUILLEMIN v. STEIN et al. (Certified for Publication)

Appellant's motion to permit consideration of late-filed notice of appeal and request for judicial notice is denied. The appeal from the judgment is dismissed. The appeal from the part of the postjudgment order "confirming" the discovery sanctions is dismissed. The order denying the motion to tax costs is affirmed. The order awarding sanction for filing a frivolous motion to tax costs is vacated. The parties will pay their own costs of appeal. **(CERTIFIED FOR PUBLICATION)**

DAVIS, Acting P.J.

We concur: Morrison, J.

Robie, R.

**C037657 In re ROBERT C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES
v. ROBERT C. and KELLY C. (Not for Publication)**

The appeals of Robert C. and Kelli C. Are dismissed.

SIMS, Acting P.J.

We concur: Morrison, J.

Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 10, 2002

MISC. ORDER 2002-15

BY THE COURT:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of the Presiding Justice from the court on December 12, 2002, and on December 16, 2002, or until his return. (See Cal Const, Art 6, Sec. 3) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C040579 THE PEOPLE v. HERRERA (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.
 Morrison, J.

C040822 THE PEOPLE v. KISAMORE (Not for Publication)

The registration requirement is stricken from the dispositional order. As so modified, the judgment (order) is affirmed.

CALLAHAN, J.

We concur: Blease, Acting P.J.
 Robie, J.

C040899 THE PEOPLE v. WAKEFIELD (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.
 Kolkey, J.

C041572 THE PEOPLE v. SIORDIA (Not for Publication)

Count 2 and count 3 are dismissed. The superior court is ordered to prepare a new abstract of judgment including the dismissal of counts 2 and 3 and reflecting that presentence conduct credit was imposed pursuant to Penal Code section 2933.1. The clerk shall forward a certified copy of the new abstract of judgment to the Department of Corrections. As modified and corrected, the judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.
 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 10, 2002, continued

- C038768 BRISTOW v. DOME PRINTING (Not for Publication)**
The judgment is affirmed. Dome shall receive its costs on appeal.
(Cal. Rules of Court, rule 26 (a).)
SIMS, J.
We concur: Scotland, P.J.
Morrison, J.
- C038076 In re J.W., JR.; THE PEOPLE v. J.W. JR. (Not for Publication)**
The judgment is modified to impose a subordinate term of eight months for attempted second degree robbery stayed pursuant to Penal Code section 654 for a maximum term of confinement of five years. The juvenile court is directed to prepare an amended abstract of judgment reflecting these modifications and forward a copy thereof to the Director of the CYA. As modified, the judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Sims, J.
- C039506 In re STUART S.; DEPARTMENT OF HUMAN SERVICES v. LINDA S. (Certified for Partial Publication)**
The finding that the permanent plan of planned permanent living arrangement is stricken. The minor's current permanency plan is long-term foster care. As modified, the orders of the juvenile court are affirmed. (CERTIFIED FOR PUBLICATION)
NICHOLSON, J.
We concur: Blease, Acting P.J.
ROBIE, J.

December 11, 2002

- C036703 THE PEOPLE v. MICELI (Not for Publication)**
Defendant's conviction and sentence on count 3 are stricken. The trial court shall prepare an amended abstract of judgment showing the same and shall forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 11, 2002, continued

- C039121 THE PEOPLE v. WRIGHT (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C039539 THE PEOPLE v. UNZUETA (Not for Publication)**
The judgments are affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C038035 OLIVEIRA, a MINOR, etc. et al. v. POLLOCK PINES ELEMENTARY SCHOOL DISTRICT (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
 Robie, J.
- C039295 MacKENZIE v. GRAVELLE (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Scotland, J.
 Davis, J.
- C040185 In re MASON D. et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. DEBRA B. and MASON D. et al. (Not for Publication)**
The appeal is dismissed as moot.
NICHOLSON, J.
We concur: Scotland, P.J.
 Callahan, J.
- C040286 In re MARTIN S.; THE PEOPLE v. MARTIN S. (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.

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The Minutes

December 12, 2002

- C038415 THE PEOPLE v. SCHWOERER (Not for Publication)**
The judgment is affirmed.
CALLAHAN, J.
We concur: Scotland, P.J.
Hull, J.
- C040139 CALIFORNIANS AGAINST WASTE v. DEPARTMENT OF
CONSERVATION et al. (Certified for Publication)**
The judgment is affirmed. (Certified for Publication.)
CALLAHAN, J.
We concur: Raye, Acting P.J.
Robie, J.
- C040851 In re JACKIE A.; DEPARTMENT OF HEALTH AND HUMAN SERVICES
v. CHARLA A.**
The juvenile court's order is affirmed.
Blease, Acting P.J.
We concur: Scotland, J.
Raye, J.

December 13, 2002

- C035119 THE PEOPLE v. WILLIFORD (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
I concur: Callahan, J.
I concur in the opinion except for part E where I concur in the result.
Sims, Acting P.J.
- C035786 THE PEOPLE v. THOMAS (Not for Publication)**
The judgment (order of commitment) is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
Callahan, J.
- C038555 THE PEOPLE v. JAIME (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Callahan, J.